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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/417,405	10/13/1999	JEFFRY JOVAN PHILYAW	PHLY-24768	7390

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EXAMINER

KANG, PAUL H

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 12/03/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/417,405

Applicant(s)

PHILYAW ET AL.

Examiner

Paul H Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Markowitz et al., US Pat. No. 6,311,185, in view of Moshfeghi et al., US Pat. No. 6,067,166.

3. Regarding claims 1 and 8, Markowitz teaches the invention substantially as claimed.

Markowitz teaches an architecture and method of presenting banner advertising of a web page to a user, comprising the steps of :

providing a server node disposed on a network that interfaces with a user node disposed on the network (Markowitz, col. 2, lines 18-36);

transmitting to the user node from the server node a web page...(Markowitz, col. 1, line 13 – col. 2, line 36).

However, Markowitz does not explicitly teach obtaining video resolution settings of the user node by the server node over the network in response to the user accessing the server node and transmitting to the user node a web page corresponding to the video resolution setting. In the same field of endeavor, Moshfeghi teaches a server which obtains video resolution settings of the

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user to transmit to the user documents which comply with the user's capabilities (Moshfeghi, col. 1, lines 36-58 and col. 2, line 43 – col. 3, line 49). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated obtaining user video resolution settings, as taught by Moshfeghi, into the system of Markowitz for the purpose of increasing efficiency by customizing web content to specific user characteristics.

4. Regarding claims 2 and 9, Markowitz-Moshfeghi teach obtaining the video resolution settings from an operating system of a user computer of the user node (Moshfeghi, col. 1, lines 36-58 and col. 2, line 43 – col. 3, line 49).

5. Regarding claims 3 and 10, Markowitz-Moshfeghi teach the system wherein during the step of obtaining, the server node queries the user node for the video resolution settings (Moshfeghi, col. 1, lines 36-58, col. 2, line 43 – col. 3, line 49 and col. 4, lines 21-42).

6. Regarding claims 4 and 11, Markowitz-Moshfeghi teach the system wherein during the step of transmitting, the server node transmits the web page having one or more banner objects which have been increased in size in relationship to a given video resolution, and one or more of said banner objects which have not been increased in size to that given video resolution (Markowitz, col. 6, lines 8-62 and Moshfeghi, col. 2, line 65 – col. 4, line 33).

7. Regarding claims 5 and 12, Markowitz-Moshfeghi teach the system wherein during the step of transmitting, the server node transmits the web page having one or more banner objects

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which have been increased in size in relationship to a given video resolution and without adding spacing material (Moshfeghi, col. 3, line 18 – col. 4, line 33).

8. Regarding claims 6 and 13, Markowitz-Moshfeghi teach the system wherein the server node has one or more predefined web pages for corresponding one or more predetermined video resolutions, and select ones of the one or more of the predefined web pages are transmitted to the user node during the step of transmitting according to the video resolution of the user node (Markowitz, col. 6, lines 8-62 and Moshfeghi, col. 2, line 65 – col. 4, line 33).

9. Regarding claims 7 and 14, Markowitz-Moshfeghi teach the system wherein a geometry management algorithm automatically structures layout of the web page using one or more banner objects which are scaled in size and altered in geometry such that web page real estate coverage is maximized without adding spacing material (Markowitz, col. 6, lines 8-62 and Moshfeghi, col. 2, line 65 – col. 4, line 33).

Applicant's arguments filed September 17, 2002 (paper no. 8) have been fully considered but they are not persuasive. The Applicant argued in substance that the prior art of record fails to teach automatically obtaining user information. "The user must enter the information requested by the server by filling out a form."

In response to Applicant's argument, the Examiner respectfully disagree. The system taught by the prior art of record allows for manual as well as automatic monitoring of the user computer (See Moshfeghi, col. 3, line 58 – col. 4, line 60 and col. 6, lines 27-37). Additionally,

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Applicant's arguments that because the use initially enters user information, that the process is not automatic, is not persuasive. For instance, in the system taught, after the initial loading of user information, settings are automatically set subsequently by various methods including automatic communication between the client web browser and web server (See Moshfeghi, col 4, lines 11-65).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on (703) 305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Paul H Kang
Examiner
Art Unit 2142

KENNETH R. COULTER
PRIMARY EXAMINER


December 2, 2002